THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18692 of 2006

Dated: 11-09-2006

Between:

M/s Sri Durga Granite Workers Enterprises, rep. by its President, Anantapur District.

..... PETITIONER

AND

The Government of A.P.,
rep. by its Principal Secretary,
Hyderabad, and three others.

.....RESPONDENTS

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ORDER:

Sri Durga Granite Workers Enterprises (hereinafter called, the petitioner-association), Gorantla Mandal, Anantapura District, filed a writ petition, being W.P.No.17069 of 2005, seeking a writ of Mandamus declaring the action of the respondents in not issuing pattadar passbooks (PPBs) in respect of land in survey Nos.560, 672, 673, 750, 751, 752 and 798 situated at Amadagur, Gorantla Mandal, Anantapur District. This Court, while admitting said writ petition, passed interim orders directing the respondents to consider the representation of the petitioner-association. A contempt case, being C.C.No.99 of 2006, was filed alleging that the respondents failed to consider the representation. As the learned Assistant Government Pleader for Revenue (General) has brought to the notice of this Court that MRO issued proceedings on 20.01.2006 rejecting the same, this Court disposed of said writ petition and contempt case giving liberty to the petitioner-association to obtain the copy of said proceedings of MRO dated 20.01.2006 and seek appropriate remedy. Thereafter, the President of the petitioner-association made representation dated 31.03.2006 to the third respondent, who issued an endorsement, vide Rc.No.1254/2005(D), dated 22.08.2006, rejecting the representation. Aggrieved by the same, the present writ petition is filed.

The impugned order/endorsement dated 22.08.2006 passed by the third respondent reads as under.

> We enquired about your representation that you have requested to issue pattas in favour of M/s Sri Durga Granite Works Enterprises, lands situated in Amadaguru Village and Mandal in Sy.No.560-1, 2 and 3, and also lands situated in Mahammadabad Village Sy.No.752-3, 751-4, 750-5, 673-6 and 672 admeasuring Ac.200-00. This land belong to M/s Sri Durga Granite Works Enterprises.
>
> That you have not submitted any evidence to show that the said lands are in your possession. On 20-01-2006, the Mandal Revenue Officer intimated you that sasid lands already issued in favour of some other persons, now they are cultivating, and also intimated that which survey number you are seeking pattas cannot be granted. Therefore which you have requested to issue pattas you have not shown any evidence that you are in possession said lands, your representation is rejected.

A plain reading of the above would show that the petitioner-association did not produce any evidence to show that the lands are in

their possession. However, the learned counsel for the petitioner-association strenuously contends that the third respondent did not conduct any enquiry and that the impugned order/endorsement was passed on a wrong premise that as per the encumbrance certificate, PPBs were issued in favour of third parties. The encumbrance certificate is intended to give the particulars of encumbrances of immovable property and that the same does not contain the particulars of ownership rights or the particulars of PPBs. If the land is assessed as waste dry land belonging to Government, unless and until any transactions are registered in respect of those lands, one cannot expect any particulars in the encumbrance certificate given by the registration department. Secondly a perusal of the impugned order/endorsement shows that the third respondent conducted personal inspection and passed orders based on the records. This Court does not find any infirmity in the same. If so aggrieved, the petitioners may file a revision petition in paragraph 18 of BSO 15 of the Andhra Pradesh Board of Revenue Standing Orders (BSO) before the Joint Collector, Ananthapur.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

11th September, 2006

ghn